

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

Case No. 0:18-cv-01776-JRT-HB

This Document Relates To:

Judge John R. Tunheim
Magistrate Hildy Bowbeer

ALL COMMERCIAL AND
INSTITUTIONAL INDIRECT
PURCHASER PLAINTIFF ACTIONS

**COMMERCIAL AND
INSTITUTIONAL INDIRECT
PURCHASER PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION AND FOR
APPOINTMENT OF LEAD
COUNSEL AND PLAINTIFFS'
STEERING COMMITTEE**

Commercial and Institutional Indirect Purchaser Plaintiffs¹ (“CIIPPs”) respectfully move the Court pursuant to Federal rule of Civil Procedure 23 for an order (i) certifying an Injunctive Relief Class pursuant to Rule 23(b)(2); (ii) a Monetary Damages Class pursuant to Rule 23(b)(3); and (iii) appointing Shawn Raiter and Larson King LLP and Blaine Finley and Cuneo Gilbert & LaDuca LLP as Class Counsel, and Barrett Law Group, P.A., Tostrud Law Group, P.C., Zimmerman Reed LLP, and Bozeman Law Firm, P.A to a CIIPP-specific Plaintiffs’ Steering Committee.

¹ CIIPPs seeking to serve as class representatives are as follows: Sandee’s Bakery, Francis T. Enterprises d/b/a Erbert & Gerbert’s, Joe Lopez, d/b/a Joe’s Steak and Leaf, Longhorn’s Steakhouse, The Grady Corporation, Mcmjoynt LLC d/b/a The Breakfast Joynt, Edley’s Restaurant Group, LLC, Basil Mt. Pleasant, LLC, Basil Charlotte, Inc., Farah’s Courtyard Deli, Inc., Tri-Ten LLC.

CIIPPs respectfully request certification of the proposed classes under the following class definitions:

(1) Injunctive Relief Class Pursuant to Rule 23(b)(2):

All entities that indirectly purchased uncooked pork bacon, or one or more of the following types of raw pork, whether fresh or frozen: loins, shoulder, ribs, hams, or pork chops from defendants or co-conspirators for their own use in commercial food preparation in the United States from June 28, 2014 to June 30, 2018. For this lawsuit, pork excludes any product that is marketed as organic and/or no antibiotics ever and any product other than bacon that is marinated, seasoned, flavored, or breaded, but it includes uncooked and cooked ham water added products.

Excluded from the CIIPP class are: Natural persons who purchased pork for their personal use and not for commercial food preparation (End-User Consumers); purchases of pork directly from Defendants; purchases of pork for resale in unaltered form; purchases of pork from an intermediary who has further processed the pork; the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant; any federal, state governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, any juror assigned to this action; and any co-conspirator identified in this action.

(2) Monetary Damages Class Pursuant to Rule 23(b)(3):

All entities that indirectly purchased uncooked pork bacon, or one or more of the following types of raw pork, whether fresh or frozen: loins, shoulder, ribs, hams, or pork chops from defendants or co-conspirators for their own use in commercial food preparation in the Repealer Jurisdictions² from June 28,

² CIIPPs assert damages claims in the states and territory where they reside or purchased pork: Arkansas, Arizona, California, District of Columbia, Florida, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire,

2014 to June 30, 2018. For this lawsuit, pork excludes any product that is marketed as organic and/or no antibiotics ever and any product other than bacon that is marinated, seasoned, flavored, or breaded, but it includes uncooked and cooked ham water added products.

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This motion is based on the accompanying memorandum of law, all accompanying declarations and exhibits, the pleadings and papers on file in this action, oral argument, and such other matters as the Court may consider in hearing the motion.

New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin. The class period for Kansas, Massachusetts, Mississippi, South Carolina, and Tennessee class members is proposed to begin June 28, 2015.

Dated: May 2, 2022

CUNEO GILBERT & LADUCA, LLP

By: /s/ Blaine Finley

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***Interim Plaintiffs' Steering Committee for
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